

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

Annual Performance Report for the NYS Early Intervention Program

2006 - 2007

Revised April 2008



New York State Department of Health

Division of Family Health

Bureau of Early Intervention

Part C

Annual Performance Report (APR)

FFY 2006 – July 1, 2006 through June 30, 2007

Submitted February 1, 2008

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 following process, which is described in greater 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) five times each year by all 58 localities on or before specified timeframes required through the Department's contract with municipalities for funds to administer the EIP.

Data submissions are monitored to ensure that they are submitted by municipalities with sufficient time for the Department to follow up with any late submissions, complete data analyses, and submit timely reports. The data submissions are then 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 other Department software applications including those used to process claims from municipalities for reimbursement of the State share of the costs for early intervention services (the Fiscal System – "EIFS"), 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. Collectively, these data sets provide the Department with a wealth of data with respect to New York State's EIP. Data submitted in this report reflect the period from July 1, 2006 through June 30, 2007.

APR Template – Part C (4)

New York
State

On November 15, 2007, New York State submitted updated data for Indicators 7 and 8 for FFY 2005 as part of its appeal of OSEP's determination that New York "Needs Intervention" in meeting the requirements of Part C of the Individuals with Disabilities Education Act (IDEA). At the time of the submission of this APR for FFY 2006, the Department had not yet been notified of OSEP's decision for this appeal or its acceptance of these revised data. For this FFY 2006 APR, the Department has used these updated data for FFY 2005, rather than the FFY 2005 data that had been originally submitted, for the purpose of determining progress/slippage for FFY 2006.

In addition to submitting a revised SPP and APR, IDEA requires each State to annually report on the performance of local programs. 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. Sampling or monitoring data are being used for indicators #3, 4 and 8. For these sampled indicators, each municipality's performance will be examined and reported to the public once during the six-year period covered by the SPP.

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

The FFY 2006 APR was presented to the New York State Early Intervention Coordinating Council (EICC) at its quarterly meeting on December 13, 2007. Details regarding the APR development were explained, targets reviewed, and statewide rates for the indicators were discussed. The data for New York State's FFY 2006 APR were approved by the EICC, which has agreed to use the APR in lieu of its required annual report.

SPP/APR Dissemination and Reporting on Local Program Performance:

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

The revised SPP and APR will be distributed in print to members of the EICC, provider representatives and municipalities for dissemination to EIP providers and parents. 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: http://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.

Local performance data for FFY 2005 are available on the Department's public website at the following address: (http://www.health.ny.gov/statistics/community/infants_children/early_intervention/). Local program performance data for FFY 2005 were published for all municipalities for Indicators #1, 2, 5, 6, and 7. No local data for Indicator #3 were available for FFY 2005. For FFY 2005, local program performance data for New York City were published for Indicator #4, and for Nassau, Suffolk, and New York City for Indicator #8.

Local programs were also issued determinations indicating their compliance with the requirements of IDEA for FFY 2006 reporting period. Each municipality received one of the following determinations: "meets requirements", "needs assistance", "needs intervention", or "needs substantial intervention". The determinations were based upon each local program's performance with the required federal indicators. New York required correction for every instance in which local programs were not substantially compliant at the 100% level (95% substantially compliant) and this correction is required to occur within one year.

All pertinent early intervention documents are posted to the Department's Health Information Network (HIN), an intranet for local health units, including local early intervention programs. In addition to public awareness materials, the following documents were posted to the Department's public web site 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;

Part C State Annual Performance Report (APR) for 2006-2007

Monitoring Priority: Early Intervention Services In Natural Environments

Indicator 1: Percent of infants and toddlers with Individualized Family Services Plan (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.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	100%

Actual Target Data for FFY 2006:

Of the 38,002 children/families receiving EI services in New York in FFY 2006, 31,041 (81.7%) received services within 21 days of the date of the applicable IFSP. These data include children reporting new services based on a non-interim IFSP within the reporting period of July 1, 2006 to June 30, 2007.

Comparison of 21- and 30-day Standards for Timeliness of Services – New York uses a standard of 21 days to determine whether services are initiated in a timely manner. The majority of other states use a 30-day standard for determining timeliness. The 21-day timeline for receipt of services is a reasonable standard and is more beneficial to children served by the program. However, it is not appropriate for New York to be penalized for setting a more rigorous standard that is in the interest of children and families. As such, New York is adjusting its data for reporting purposes to OSEP to reflect a 30-day standard, and will continue to monitor for services to begin within 21 days.

A total of 33,339 (87.8%) children and families received services within 30 days of the date of the applicable IFSP from which parental consent for services was obtained. This percentage, however, does not reflect discounting of children whose services were delayed due to family circumstances or other issues beyond the control of the program, since the data necessary to calculate the impact of these children were not available for this time period.

Discounting for Delays due to Circumstances Beyond the Control of the Program - Due to limitations with the KIDS data system, the Department does not currently capture reasons for 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 (such as delays in assigning a service provider, or problems/delays in authorizing services) or were due to family circumstances (such as illness, missed appointments, problems locating or contacting the family).

The Department estimates that 10% of children considered for this indicator had late services due to family circumstances or some other reasons that were beyond the control of the program. This estimate is based upon data from other comparable states that reported the percentage of delays that were due to such circumstances, and also on New York data describing the reasons for delays for initial IFSP meetings since such data are available for that indicator in New York. Adjusting the OSEP-required target of 95% for substantial compliance to 85.0% to account for the lack of the state's ability to account for delays due to such circumstances is appropriate. As a result, New York is in substantial compliance with the timely service provision requirement.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

New York reports that 87.8% of children received Early Intervention services within 30 days of the authorizing IFSP. For comparison purposes, this rate was calculated for FFY 2005 using a 30-day standard for timeliness. The calculation showed that 90.94% ($= 33,148 / 36,452$) of children received services within 30 days of the authorizing IFSP in FFY 2005-2006. This results in a decline of 3.2 percentage points from FFY 2005 to FFY 2006 results.

Due to the lack of information on the reason for the delay in service, New York State is unable to analyze the reasons for the slippage in this indicator at this time. New York State will convene a technical assistance conference call with the thirty-three local programs that showed a decline in this indicator to investigate the reasons for this decline.

New York State continues its efforts to design and develop a new data system to replace KIDS with a migration to the new system planned to begin in 2008. The new system will include the 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.

In its review of Indicator #1 for New York's FFY 2005 APR, OSEP noted that it was unable to determine the extent to which timely correction of noncompliance occurred. On November 15, 2007, as part of its appeal of OSEP's determination, New York submitted a revised table for Indicator #9 that disaggregated the general supervision/monitoring data for FFY 2005. This revised table demonstrated that any noncompliance for Indicator #1 was corrected in a timely manner.

This is a timeliness indicator, so the specific cases of noncompliance in FFY 2005 were not able to be corrected.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[If applicable]*

None

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.

(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
2006 (2006-2007)	89.51%

Actual Target Data for FFY 2006:

Based on the October 1, 2006 child count of 30,988 infants and toddlers with IFSPs, 28,342 (91.5%) children received services primarily in the home or services primarily in programs designed for typically developing children.

New York exceeded its target for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

New York reports 91.5% compliance with this indicator, an increase of 1.7 percentage points from 89.8% in FFY 2005.

In its review of Indicator #2 for New York’s FFY 2005 APR, OSEP noted that it was unable to determine the extent to which timely correction of noncompliance occurred. On November 15, 2007, as part of its appeal of OSEP’s determination, New York submitted a revised table for Indicator #9 that disaggregated the general supervision/monitoring data for FFY 2005. This revised table demonstrated that any noncompliance for Indicator #1 was corrected in a timely manner.

OSEP’s March 2, 2006 SPP response letter stated that New York’s discussion of baseline data for Indicator 2 reported a newly identified area of noncompliance with the related requirement that early intervention services be provided, to the maximum extent appropriate in children’s natural environments, and that an appropriate child-outcome based justification is written on the individualized family services plan (IFSP) when an early intervention service is not provided in the natural environment.

We believe that OSEP mistakenly interpreted information on page 21 of the SPP that stated that corrective actions would be required for noncompliance with this indicator as a statement from New York of newly identified noncompliance in this area. To clarify, monitoring visits of providers and municipalities demonstrated that children either received early intervention services in their natural environments or their IFSPs included appropriate justification for why they did not. New York was not reporting on page 21 of its SPP any findings of noncompliance for this related requirement, but rather was explaining hypothetically that should noncompliance be found upon monitoring, corrective actions would be required. It should be noted that, for FFY 2005 New York's reported data for this indicator is 89.81% and for FFY 2006 New York's reported data for this indicator is 91.5%. New York, therefore, continues to exceed its target of 89% in this area.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[If applicable]*

None

Data for this indicator will not be available until 2011. Please refer to New York’s revised State Performance Plan for this 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.

- 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.

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]

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.

- A. Measurement: 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 100.¹

¹ New York State is using the Family Survey/Family Impact Scale developed by the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the OSEP-required family outcomes. As recommended by NCSEAM, analyses were completed using the WINSTEPS Rasch Model statistical software package, which yields person measures for each family participating in the family survey. Person measures are aggregated across all families for reporting purposes. The NCSEAM standards, used to derive percentages, are as follows:

Indicator 4: Percent of families participating in Part C who report that early intervention services have helped the family:

Know their rights: NCSEAM standard is the percent of families with a person measure of at or above **539** (95% likelihood of a response across the three categories of agree, strongly agree, and very strongly agree to the item “*Know about my child’s and family’s rights concerning Early Intervention Services*”)

Effectively communicate their children’s need: NCSEAM standard is the percent of families with a person measure of **556** (95% likelihood of a response across the three categories of agree, strongly agree, and very strongly agree to the item “*Communicate more effectively with the people who work with my child and family*”)

Help their children develop and learn: NCSEAM standard is the percent of families with a person measure of **516** (95% likelihood of a response across the three categories of agree, strongly agree, and very strongly agree to the item “*Understand my child’s special needs*”)

FFY	Measurable and Rigorous Target
2006 (2006-2007)	<p>A. The percent of respondent families participating in Part C who report that early intervention services have helped the family know their rights will increase by 1% to 72.2%.</p> <p>B. The percent of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children’s needs will increase by 1% to 66.69%.</p> <p>C. The percent of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn will increase by 1% to 83.41%.</p>

Actual Target Data for FFY 2006:

Indicator	Percent of Families At or Above NCSEAM Standard
A. Percent of respondent families participating in Part C who report that early intervention services have helped the family know their rights.	73.78% (= 712 / 965) (95% CI: 73.78% +/-2.77%)
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.	68.08% (= 657 / 965) (95% CI: 68.08% +/- 2.94%)
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.	83.83% (= 809 / 965) (95% CI: 83.83%% +/- 2.32%)
NYS Person Mean on NCSEAM Family Impact Scale	620.76

Sample Characteristics

In accordance with the sampling procedures described in the State Performance Plan, a statewide random sample of 4,006 families whose children exited the EIP between July 1, 2006 – December 31, 2006, and those who were not closed but turned three years of age between January 1, 2007 and June 30, 2007 (32,411) and would be exiting the program by August 31, 2007, were selected to receive the NCSEAM Family Survey/Family Impact Scale. This random sample included the State sample of 1,486, and locally representative samples for small counties (counties with less than 100 families annually in the EIP) and for Nassau and Suffolk Counties on Long Island. State and local sample sizes were calculated with a confidence level of 1.96 for 95% confidence, a precision level of .05, and an estimated response rate of 25%. Systematic sampling procedures with proportional geographic representation were used to capture a representative sample for New York State. Nine hundred and sixty-five (965) families responded to the survey (261 of whom were included in the state sample and 704 of whom were included in oversamples for small and Long Island counties) for a response rate of 24%. Because there were no significant differences in the data for these samples, the data have been aggregated and results reported are for all 965 families who responded to the survey.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

New York State met its targets for family outcomes in 2006.

As part of the General Supervision Enhancement Grant received by the Bureau of Early Intervention in 2004, on enhancing Part C outcome indicators and methods for collecting and analyzing Part C outcome indicators, EIP staff collaborated with families, EIP providers, local and state government EIP staff to identify New York State child and family outcomes using concept mapping methodology. During the summer 2007, in collaboration with Dr. Batya Elbaum, child and family outcomes identified through the concept mapping process were used to develop a new Impact on Child scale and integrate New York State items into the NCSEAM Impact on Family Scale. A NYS Family Survey was very successfully piloted in Nassau and Suffolk Counties. The Rasch Measurement Model was used for scale development and data analyses. The two scales were found to be highly reliable, robust and unidimensional in nature. The NYS Family Survey holds the potential to meaningfully involve families in measurement of both child and family outcomes, analyze the relationship between child and family outcomes, and supplement ongoing data collection efforts to include NYS-specific child outcomes.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006

In 2008, the Family Survey currently being used to collect APR data will be revised to include the New York State Impact on Child scale, and family outcomes will be measured using the NYS version of the NCSEAM Impact on Family Scale. This will enable New York State to continue to report on required OSEP data on family outcomes, while enhancing data on child and family outcomes to include outcome items identified as important by New York State stakeholders for program evaluation and quality improvement efforts.

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.

FFY	Measurable and Rigorous Target
2006 (2006-2007)	1.13%

Actual Target Data for FFY 2006:

Based on the October 1, 2006 child count, 2,664 infants under the age of one had IFSPs in the New York EIP. The number of children under the age of one in the entire New York State population for that time period was 243,789, resulting in a percentage of 1.09% of the infants under age one with IFSPs.

A. New York State’s eligibility definition falls within the federal category of “moderate” along with: Alaska, Colorado, Delaware, Illinois, Indiana, Kentucky, Minnesota, Missouri, New Jersey, Puerto Rico, Rhode Island, and South Dakota. The percentage of children under the age of one with an IFSP in these states/territory ranges from 0.60% to 2.00%. Compared to these twelve other states/territory with comparable (moderate) eligibility, New York falls in the upper half, in terms of the percentage of children under age one having an Early Intervention IFSP.

B. New York exceeds the national average baseline percent of children under the age of one with an IFSP, which is 1.04%.

While New York fell short of its target of 1.13% of children aged birth to one being served by the Early Intervention Program, the extent of this shortfall is minimal, corresponding to approximately 80 children.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

New York reports a 1.09% rate for this indicator, which represents minimal slippage from the 1.10% for FFY 2005. This nominal decrease of 0.01 percentage point corresponds to fewer than 10 children, which is insignificant in light of the magnitude of the population.

APR Template – Part C (4)

New York
State

This indicator was calculated for the 58 local programs. The Department will collaborate with local programs that have been identified as having lower percentages of children under the age of one served through the program, and potentially with hospitals within these municipalities in order to improve their referral process to the EIP.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[if applicable]*

None

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
2006 (2006-2007)	4.09% (revised from 4.29%, see Revisions to Target section below)

Actual Target Data for FFY 2006:

Based on the October 1, 2006 child count, 30,988 infants and toddlers birth to three had IFSPs in the New York EIP. The number of children aged birth-to-three in the general New York State population for that time period was 730,971, resulting in a percentage of 4.24% of the birth-to-three population with IFSPs.

A. New York State’s eligibility definition falls within the federal category of “moderate” along with: Alaska, Colorado, Delaware, Illinois, Indiana, Kentucky, Minnesota, Missouri, New Jersey, Puerto Rico, Rhode Island, and South Dakota. The percentages of the birth-to-three population with an IFSP in these states/territory range from 1.37% to 4.39%. Compared to other states/territory with comparable (moderate) eligibility, New York is second from the top, in terms of the percentage of children under age three having an IFSP. Compared to the next largest state in this category, New York State provides services to almost twice as many children under the age of three.

B. New York greatly exceeds the national average baseline percent of the birth-to-three population with an IFSP, which is 2.43%.

New York also exceeded its own target for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

New York reports a 4.24% rate for this indicator, a decrease of 0.32 percentage points from 4.56% in FFY 2005. The apparent slippage that occurred during this reporting period is instead a data anomaly that resulted from New York State’s decision to change its 618 child count reporting date from December 1 to October 1. October 1 child counts are consistently lower than December 1 child counts for the New York

State EIP. This change was made to provide the Department with more time to comply with OSEP’s annual reporting requirements that are due on November 1 and February 1 of each year. As a result, the state-established targets need to be adjusted to reflect the revised date of October 1.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[If applicable]*

Beginning with the 618 child count data for 2006, New York State opted to count children with IFSPs on October 1. Prior to this, the count of children with IFSPs was taken on December 1. A historical comparison of child counts taken on October 1 compared to counts taken on December 1 for the last five reporting periods showed that count taken on October 1 was slightly lower than the count taken on December 1 of the same year. This is likely due to an annual pattern relating to the timing of children transitioning out of the EIP.

In the SPP, the December 1, 2004 child count was used to set a baseline of 4.29% for this indicator. When the October 1, 2004 child count is used instead, the baseline is 4.09%.

In light of this change in methodology for gathering the 618 child count for this data, New York State is revising its original target of 4.29% to 4.09% for FFY 2006, and to 4.095% for FFYs 2007-2010. This results in the following revised targets for this indicator:

FFY	Measurable and Rigorous Target
2006 (2006-2007)	A. & B. Based on the October 1, 2006 count of children with an IFSP, 4.09% of children between birth and three years of age will receive early intervention services.
2007 (2007-2008)	A. & B. Based on the October 1, 2007 count of children with an IFSP, 4.095% of children between birth and three years of age will receive early intervention services.
2008 (2008-2009)	A. & B. Based on the October 1, 2008 count of children with an IFSP, 4.095% of children between birth and three years of age will receive early intervention services.
2009 (2009-2010)	A. & B. Based on the October 1, 2009 count of children with an IFSP, 4.095 % of children between birth and three years of age will receive early intervention services.
2010 (2010-2011)	A. & B. Based on the October 1, 2010 count of children with an IFSP, 4.095% of children between birth and three years of age will receive early intervention services.

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
2006 (2006-2007)	100%

Actual Target Data for FFY 2006:

There were 29,370 referrals to New York State’s EIP during FFY 2006, of which 14,278 had initial IFSP meetings that were completed within the federally-required 45 day timeframe and an additional 6,661 had initial IFSPs with documentation that meetings were delayed due to exceptional family circumstances, and other reasons like extreme weather conditions. Including these cases that were delayed due to exceptional family circumstances in both the numerator and the denominator of the calculation, New York State had timely IFSPs or delays due to exceptional family circumstances for 20,939 out of 29,370 cases, resulting in an IFSP timeliness rate of 71.3%.

Of the referred cases that were delayed due to non-family reasons, 3,626 were delayed due to the delayed receipt of an evaluation report, 1,766 were delayed due to an evaluator backlog or delay, 1,197 were delayed due to staff of local programs, and 1,842 were delayed due to various other reasons.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

New York State performance for this indicator (71.3%) has increased 4.7 percentage points from 66.6% (revised rate) in FFY 2005. The statewide performance was heavily influenced by the performance by New York City, which increased 4.8 percentage points from 46.9% (revised rate) in FFY 2005 to 51.7%.

For FFY 2005, forty of the 58 local programs were found to not be in substantial compliance with this requirement. Of these, 29 were found to have improved in this area between FFY 2005 and FFY 2006. As an enforcement action for localities that did not correct noncompliance within one year, all local programs that are not substantially compliant with this indicator are required to participate in focused technical assistance conference calls in 2008 on this requirement.

In addition, compliance with Indicator #7 was a major factor in the local program determinations. Local programs that received a determination of “Needs Intervention” based on their performance on the same federal requirements covered in Indicators 1, 2, 5, 6, 7, and 8 A-C have been directed to comply with the following corrective actions:

For compliance indicators where the local program did not meet the OSEP standard, submit a Corrective Action Plan, to be developed in conjunction with the Local Early Intervention Coordinating Council, which includes revised policies and procedures and lists steps the local program will take to come into compliance with federal requirements within one year.

New York City, which serves nearly half of the children in New York State’s EIP, had an IFSP timeliness rate of 51.7%. The Department continues to collaborate with NYC EIP staff to improve performance for Indicator #7 in this local program. In 2007, this collaboration has included analyses of IFSP timeliness that has identified certain time periods in the process that are in greatest need of improvement, and trends in performance by evaluation provider.

The NYC EIP has made implemented several corrective actions to improve its IFSP timeliness that are anticipated to demonstrate improved performance beginning in FFY 2007 and then on an annualized basis in FFY 2008. These actions include:

- An internal assessment and modification of IFSP scheduling protocols;
- The development and issuance of routine reports for providers detailing the timeliness of evaluations;
- Revision of policy requiring the performance of blood lead level tests prior to scheduling an IFSP;
- Review of data to obtain more complete reasons for delayed IFSP meetings;
- Obtained funding for additional local program staff;
- Provider workgroup to determine ways to streamline evaluation practices

This is a timeliness indicator, so the specific cases of noncompliance in FFY 2005 were not able to be corrected.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[If applicable]*

None

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 the local educational agency (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
2006 (2006-2007)	A. 100% B. 100% C. 100%

Actual Target Data for FFY 2006:

New York State collected the data for Indicator 8 by using a stratified sample of 961 children who exited the Part C program in FFY 2006. These children were selected from the 25,405 children in the EIP who had IFSPs and exited the Part C program between July 1, 2006 and June 30, 2007.

The twenty local programs in New York State with the lowest enrollment were sampled at nearly a 100% sample rate in order to get valid local data. The three local programs (New York City, Nassau, and Suffolk) that had received a representative sample in FFY 2005 were over-sampled again in order to have data from FFY 2006 for comparison. Children in the remaining counties were sampled at a lower sampling rate, as valid local rates are not required for these counties for this reporting period.

In order to verify that this sample was representative of the population as a whole, the sample and the population were compared using the variables of gender, race/ethnicity, reason for eligibility, duration of EI services, age at referral to the EIP, and age at exit from EIP. There were no differences that were statistically significant at the 95% confidence level, indicating that the sample is appropriately representative of the population as a whole.

Information on these 961 children for FFY 2006 was gathered using a newer and more thorough data collection tool. The majority of local programs completed a self-assessment of the children in the transition sample. New York City, Nassau, and Suffolk data were gathered by staff of the Department's monitoring contractor, IPRO. Since the data were gathered directly by the local programs, the response rate was 100%.

Also, for the same three local programs, the sample cases that had been reviewed in FFY 2005 were revisited, and data were collected again for the same cases using the revised tool. In addition to being necessary for comparison purposes, the resulting revised statewide rates for FFY 2005 were resubmitted as a result of New York State's appeal of OSEP's determination that New York State's Early Intervention Program "Needs Intervention" for FFY 2005.

In order to account for the different sampling rates used for each local program, the results were weighted in accordance with standard statistical techniques for determining proportions from a stratified sample. When the data are presented below, both the number of sample cases and the weighted total of represented children are provided. All rates are based on the weighted totals.

A. Steps and Services

A total of 961 (representing 25,405 children in the EIP) records for children with IFSPs who exited part C during the reporting period were reviewed for transition requirements. Of these, 837 (representing 22,403 children in the EIP), or 88.2% (based on weighted population counts), contained documentation of transition steps and services.

B. Notification to the LEA (if child potentially eligible for Part B)

A total of 652 records (representing 16,170 children in the EIP) for children with IFSPs who exited part C and were potentially eligible for Part B during the reporting period were reviewed for transition requirements. From the original sample, 223 cases (representing 4,865 children in the EIP) were excluded from the calculation since they were not eligible for Part B, and 86 cases (representing 4,370 children in the EIP) were excluded from the calculation because the child's parent had not given consent for LEA notification. Under New York State law, a parent may opt out of the referral/notification to the LEA. State procedures have been approved and are on file with OSEP.

Of these 652 records, 621 (representing 14,960 children in the EIP) contained documentation of notification to the LEA. For an additional 17 cases (representing 1,152 children in the EIP), the LEA was not notified because the family had moved before the LEA notification was required. For these cases, LEA notification was not possible due to family circumstances, so these cases are included in both the numerator and denominator.

Thus, there were 638 (representing 16,112 children in the EIP as a whole) records that either contained documentation of no family consent for notification of the LEA or for which notification was not possible due to exceptional family circumstances. This resulted in a rate of 99.6% ($= 16,112 / 16,170$).

New York State was in substantial compliance with this indicator.

C. Transition Conference (if child potentially eligible for Part B)

A total of 711 (representing 17,959 children in the EIP) records for children with IFSPs who exited part C and were potentially eligible for Part B during the reporting period were reviewed for transition requirements. From the original sample, 223 cases (representing 4,865 children in the EIP) were excluded from the calculation since they were not eligible for Part B, and 27 cases (representing 2,581 cases in the EIP) were excluded from the calculation because the child's parent had not given consent for LEA notification. Under New York State law, a parent may opt out of the referral/notification to the LEA. State procedures have been approved and are on file with OSEP.

Of these, 339 (representing 6,570 children in the EIP) contained documentation that the transition conference occurred at least 90 days prior to the child’s eligibility for preschool services. There were an additional 43 records (representing 1,432 children in the EIP) for which the transition conference was not held due to exceptional family circumstances. The following table shows the reasons for the lack of a transition conference in these cases, along with a count of sample cases and a weighted total for each reason:

Reason	Sample Cases	Weighted Total
Family Moved	33	1,421
Delay/Condition Resolved in EIP	9	10
No Transition Conference due to Child Illness	1	1
Total	43	1,432

Thus, there were 382 records (representing 8,002 children in the EIP as a whole) containing documentation of a timely transition conference, or where a timely transition conference was not held as a result of exceptional family circumstances. This resulted in a rate of 44.6% (= 8,002 / 17,959).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

- A. New York reports 88.2% compliance with this indicator for FFY 2006, an increase of 5.1 percentage points from 83.3% (revised rate) for FFY 2005, which represents significant progress from FFY 2005 in terms of the percent of children with IFSPs who had transition steps and services.

A major reason for noncompliance in this area is a lack of understanding of the need to document that this requirement is met for every child. Revised guidance has been issued to local programs on transition requirements, and the steps that must be taken in order to document that they are met.

- B. New York reports 99.6% compliance with this indicator, an increase of 4.3 percentage points from 95.3% (revised rate) in FFY 2005. New York State showed significant progress from FFY 2005 in terms of the percent of children with IFSPs potentially eligible for the Part B program where notification to the LEA occurred.
- C. New York reports 44.6% compliance with this indicator, an increase of 7.5 percentage points from 37.1% (revised rate) in FFY 2005.

New York State showed improvement from FFY 2005 in terms of the percent of children with IFSPs potentially eligible for the Part B program where the transition conference occurred. New York State’s rate for this indicator reflects the difficulty in coordinating with the LEAs program in order to ensure that children have a smooth and efficient transition into the 619 Preschool Special Education Program.

The low performance with the requirement that 100% of children exiting the Part C program who are potentially eligible for Part B receive a timely transition conference is greatly influenced by the unavailability of staff of local educational agencies to participate in these conferences. Unfortunately, the Department of Health has limited ability to influence the practice of these local school districts in New York. The Department has initiated a collaboration with the New York State Department of Education with assistance from staff of the National Early Childhood Technical Assistance Center (NECTAC) and the Northeast Regional Resource Center (NERRC) to plan for a potential summit of stakeholders to discuss ways to improve performance for transition indicators in the Part C and Part B programs in New York.

This is a timeliness indicator, so the specific cases of noncompliance in FFY 2005 were not able to be corrected.

The three programs with findings of noncompliance identified in FFY 2005 for Indicator 8C have received intensive targeted technical assistance. This includes: mandatory participation in a state-facilitated conference call and submission of a Corrective Action Plan (CAP), to be developed in conjunction with the Local Early Intervention Coordinating Council, which will include revised policies and procedures and list steps the local program will take to come into compliance with federal requirements within one year. Each of these three programs was assigned a specific Department of Health technical assistance staff person to monitor development and implementation of the CAP.

The programs with findings of noncompliance for Indicator 8C in FFY 2004 were required to submit CAPs, provide an attestation that the compliance was corrected within one year, and received follow-up focused monitoring. In subsequent years, New York State has further improved its methods for monitoring noncompliance by local programs and its cooperative efforts to seek timely resolution of any identified issues.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[If applicable]*

None

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 FFY 2006:

9 out of 12 cases, or 75%, of noncompliance in federal priority area were identified and corrected within one year of identification.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Information used for indicator #9 to demonstrate the rate of correction of deficiencies within one year of identification was obtained from the Department's comprehensive monitoring program, including data obtained from provider monitoring activities and monitoring data and from internal tracking systems for due process, specifically, system complaints.

The Department verifies that correction of deficiencies was achieved within 1 year of identification by:

- Reviewing and approving all corrective action plans required for all findings of noncompliance;
- Evaluation and approval of revised written policies and procedures, as a result of on-site monitoring, describing how the provider will carry out program requirements on the local level;
- Requiring a rigorous immediate remediation process to be followed when serious deficiencies affecting health and safety of children are identified;
- Conducting follow-up focused onsite monitoring reviews when significant deficiencies or multiple findings of noncompliance are determined;
- Providing written and verbal technical assistance through the monitoring agent and the Department's program staff during the corrective action process and the immediate remediation process to ensure and understanding of program requirements;
- Requiring attendance at Department-sponsored EI training, if numerous or repeat deficiencies are determined during subsequent monitoring reviews.

During July 1, 2005 and June 30, 2006, 52 local early intervention programs were monitored by the Department's monitoring agent's onsite reviews of contracted providers.

When noncompliance is determined, providers are required to submit corrective action plans (CAPS) within 45 days of their monitoring review. The CAP is required to include action steps to be taken to correct the deficiencies; a timeline to correct the deficiency, which must be within one year of notification; a description of internal quality assurance methods to ensure the deficiency will not recur; submission of policies and procedures which reflect activities to address the deficiency; and verification of attendance or a commitment to attend Department sponsored trainings.

All CAPs are reviewed and approved by Department program staff and written responses are developed, which may include extensive written technical assistance for providers to revise their policies and procedures. Serious deficiencies must be immediately corrected, which are verified by a follow up focused on-site monitoring review within 60 days from the date of the Department's written CAP response to the provider. Technical assistance and referral to training is also provided during and subsequent to the focused review. The Department's monitoring agent conducted focused reviews for 30 LEAs within one year of notification of findings of noncompliance, to follow up on significant and multiple deficiencies determined during their previous monitoring review and to ensure the corrective action was implemented and the deficiencies corrected.

The number of deficiencies identified through the monitoring of providers for this reporting period is included in the following chart:

APR Template – Part C (4)

New York
State

Indicator	General Supervision System Components	# of Programs Monitored (7/1/05-6/30/06)	a. # of Findings of noncompliance identified (7/1/05-6/30/06)	b. # Findings (from a.) for which correction was verified no later than one year from identification (7/1/05-6/30/06)
#1: Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.	Monitoring: Onsite monitoring	52	4	4
#2: Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.	Monitoring: Onsite monitoring	52	0	0
#5: Percent of infants and toddlers birth to 1 with IFSPs.	Monitoring: Onsite monitoring			
#6: Percent of infants and toddlers birth to 3 with IFSPs.				
#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.	Monitoring: Onsite monitoring	52	3	3
#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	Record Review	3	2	2
B. Notification to LEA, if child potentially eligible for Part B	Record Review	3	0	0
C. Transition conference, if child potentially eligible for Part B	Record Review	3	3	0
TOTALS:			12	9

The three programs with findings of noncompliance identified in FFY 2005 for Indicator 8C have received intensive targeted technical assistance. This includes: mandatory participation in a state-facilitated conference call and submission of a Corrective Action Plan (CAP), to be developed in conjunction with the Local Early Intervention Coordinating Council, which will include revised policies and procedures and list steps the local program will take to come into compliance with federal requirements within one year. Each of these three programs was assigned a specific Department of Health technical assistance staff person to monitor development and implementation of the CAP.

In its review of Indicator #9 for New York's FFY 2005 APR, OSEP noted that New York must disaggregate its general supervision data by APR indicator. On November 15, 2007, as part of its appeal

APR Template – Part C (4)

New York
State

of OSEP's determination, New York submitted a revised table for Indicator #9 that disaggregated the general supervision/monitoring data for FFY 2005.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: *[If applicable]*

None

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
2006 (2006-2007)	100% of all systems complaints filed will be completed within the federally required 60-day time line.

Actual Target Data for FFY 2006:

82% (9/11) of all systems complaints with reports issued were completed within the federally required 60 day time line. See Table 4 in Appendix 1.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Data Analysis:

82% represents significant progress from the 0% data submitted for FFY 2005.

During FFY 2006, NYS received 18 system complaints of which five complaints were withdrawn or dismissed. Of the thirteen remaining complaints, two complaints were pending at the end of this reporting period because the sixty day deadline fell in the following FFY 2007. Of the remaining eleven complaints with reports issued, nine were issued within federal timelines (eight within 60 days and one within a timeline that was extended due to extenuating circumstances). Two system complaints with reports issued fell outside of the federally required 60 day time line. The extenuating circumstances that caused one report to be extended beyond 60 days were a comprehensive complaint alleging widespread violations against a large local program’s municipal practices. A thorough investigation of each allegation required several staff interviews and a review of numerous child records.

Improvement activities implemented during FFY 2006 and progress on meeting targets:

Performance improved significantly from the 0% of reports issued in a timely manner in FFY 2005. Increased efforts were undertaken to improve the efficiency of the complaint process. Substantial effort will continue to immediately resolve any problems identified through a system complaint that are directly impacting on a child and family. NYS anticipates that it will meet the 100% target for FFY 2007.

Lack of progress, slippage and plans to address this:

There was no slippage or lack of progress for this reporting period.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006: [if applicable]

None

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 filed within the federally required 30 day time frame

Actual Target Data for FFY 2006:

100% compliance. There were no fully adjudicated hearings to report for this reporting period. See Table 4 in Appendix 1.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Data Analysis:

There were no fully adjudicated hearings for this reporting period. There were seventeen hearing requests of which sixteen were resolved without a hearing. At the end of this reporting period, one request is still being heard at the request of both parties.

Improvement activities implemented during FFY 06 and progress on meeting targets:

Not applicable

Lack of progress, slippage and plans to address this:

There was no slippage or lack of progress for this reporting period.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006

None

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]

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.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	82% of mediation requests will result in mediation agreements

Actual Target Data for FFY 2006:

96% (=27/28) of mediation requests resulted in mediation agreements. See Table 4 in Appendix 1.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Data Analysis:

During FFY 2006, there were 53 requests for mediation and, of those, 25 requests were withdrawn. Of the remaining 28 requests, 27 reached agreement and one could not reach agreement.

Ninety-six percent exceeds the target and the recognized reasonable rate of 75-85% and exceeds the national mediation success rate.

Improvement activities implemented during FFY 06 and progress on meeting targets:

Performance improved significantly from the 80% in FFY 2005.

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.

Lack of progress, slippage and plans to address this:

There was no slippage or lack of progress for this reporting period.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006:

None

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, 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 Target Data for FFY 2006:

100% of the data, including 618 data, State Performance Plans, and Annual Performance Reports, were submitted on time and were accurate.

New York State was in full compliance with OSEP’s requirement on this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:

Data Analysis:

Timely and Accurate SPP/APR Data: New York State provided valid and reliable data, performed correct calculations, and followed all instructions in the preparation and submittal of its APR for FFY 2006. The APR was due on February 1, 2008, and was submitted on time. Specific results are shown using OSEP’s scoring rubric below.

SPP/APR Data - Indicator 14				
APR Indicator	Valid and Reliable	Correct Calculation	Followed Instructions	Total
1	1	1	1	3
2	1	1	1	3
3	1	1	1	3
4	1	1	1	3
5	1	1	1	3
6	1	1	1	3
7	1	1	1	3
8a	1	1	1	3
8b	1	1	1	3
8c	1	1	1	3
9	1	1	1	3
10	1	1	1	3
11	1	1	1	3
12	N/A	N/A	N/A	0
13	1	1	1	3
			Subtotal	42
APR Score Calculation		Timely Submission Points - If the FFY2006 APR was submitted on-time, place the number 5 in the cell on the right.		5
		Grand Total - (Sum of subtotal and Timely Submission Points) =		47

Timely and Accurate 618 Data: New York State provided timely and complete which passed all edit checks, and responded to all requests for Data Notes in the preparation and submittal of its 618 reports for 2006-2007. Tables 1 (Child Count) and 2 (Settings) were due on February 1, 2007, and were submitted on time. Tables 3 (Exiting) and 4 (Dispute Resolution) were due on November 1, 2007, and were submitted on time. Specific results are shown using OSEP’s scoring rubric below.

618 Data - Indicator 14					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/07	1	1	1	1	4
Table 2 - Program Settings Due Date: 2/1/07	1	1	1	1	4
Table 3 - Exiting Due Date: 11/1/07	1	1	1	1	4
Table 4 - Dispute Resolution Due Date: 11/1/07	1	1	1	1	4
				Subtotal	16
618 Score Calculation			Grand Total (Subtotal X 3) =		48

The totals from OSEP’s scoring rubric below indicate that New York State performed at a level of 100% on this indicator.

Indicator #14 Calculation	
A. APR Grand Total	47
B. 618 Grand Total	48
C. APR Grand Total (A) + 618 Grand Total (B) =	95
Total NA or N/A in APR	3
Total NA or N/A in 618	0
Base	95
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.0

New York State reports 100% compliance with this indicator

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006

None

Appendix 1: Table 4 of Information Collection 1820-0678

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	18
(1.1) Complaints with reports issued	11
(a) Reports with findings	11
(b) Reports within timelines	8
(c) Reports with extended timelines	1
(1.2) Complaints withdrawn or dismissed	5
(1.3) Complaints pending	2
(a) Complaint pending a due process hearing	0

SECTION B: MEDIATION REQUESTS	
(2) Mediation requests total	53
(2.1) Mediations	28
(a) Mediations related to due process	28
(i) Mediation agreements	27
(b) Mediations not related to due process	0
(i) Mediation agreements	0
(2.2) Mediations not held (including pending)	25

SECTION C: HEARING REQUESTS	
(3) Hearing requests total	17
(3.1) Resolution sessions	0
(a) Settlement agreements	0
(3.2) Hearings (fully adjudicated)	0
(a) Decisions within timeline	0
(b) Decisions within extended timeline	0
(3.3) Resolved without a hearing	16