

**New York Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 76.2%. These data represent slippage from the FFY 2008 data of 78.4%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 38 of 118 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that three findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that eight of 62 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 and FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining 77 uncorrected noncompliance findings identified in FFY 2008 and the remaining 54 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009, FFY 2008 and FFY 2007 data the State reported for this indicator:</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>(1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 93.7%. These data represent progress from the FFY 2008 data of 92.6%. The State met its FFY 2009 target of 89.94%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>																																
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationship);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 443 1583 1458"> <thead> <tr> <th data-bbox="548 443 957 545"><u>Summary Statement 1</u></th> <th data-bbox="957 443 1163 545"><u>FFY 2008 Data</u></th> <th data-bbox="1163 443 1369 545"><u>FFY 2009 Data</u></th> <th data-bbox="1369 443 1583 545"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 545 957 678"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 545 1163 678">59.7</td> <td align="center" data-bbox="1163 545 1369 678">67</td> <td align="center" data-bbox="1369 545 1583 678">59.1</td> </tr> <tr> <td data-bbox="548 678 957 846"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="957 678 1163 846">71.1</td> <td align="center" data-bbox="1163 678 1369 846">75</td> <td align="center" data-bbox="1369 678 1583 846">67.6</td> </tr> <tr> <td data-bbox="548 846 957 951"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 846 1163 951">67.7</td> <td align="center" data-bbox="1163 846 1369 951">73</td> <td align="center" data-bbox="1369 846 1583 951">64.9</td> </tr> <tr> <th data-bbox="548 951 957 1053"><u>Summary Statement 2</u></th> <th data-bbox="957 951 1163 1053"><u>FFY 2008 Data</u></th> <th data-bbox="1163 951 1369 1053"><u>FFY 2009 Data</u></th> <th data-bbox="1369 951 1583 1053"><u>FFY 2009 Target</u></th> </tr> <tr> <td data-bbox="548 1053 957 1187"><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 1053 1163 1187">52.2</td> <td align="center" data-bbox="1163 1053 1369 1187">58</td> <td align="center" data-bbox="1369 1053 1583 1187">50.4</td> </tr> <tr> <td data-bbox="548 1187 957 1354"><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center" data-bbox="957 1187 1163 1354">50</td> <td align="center" data-bbox="1163 1187 1369 1354">53</td> <td align="center" data-bbox="1369 1187 1583 1354">47.2</td> </tr> <tr> <td data-bbox="548 1354 957 1458"><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 1354 1163 1458">43.9</td> <td align="center" data-bbox="1163 1354 1369 1458">53</td> <td align="center" data-bbox="1369 1354 1583 1458">41.6</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2008 data. The State met its FFY 2009</p>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	59.7	67	59.1	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	71.1	75	67.6	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	67.7	73	64.9	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	52.2	58	50.4	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	50	53	47.2	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	43.9	53	41.6	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																															
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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>																				
	<p>targets for this indicator.</p> <p>OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to include with the FFY 2009 APR, due February 1, 2011 a revised SPP that reflects the revisions to the measurement language. The State provided all of the required information.</p>																					
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 646 1583 1019"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. Know their rights (%)</td> <td align="center">74.73</td> <td align="center">74.38</td> <td align="center">75.2</td> <td align="center">-0.35%</td> </tr> <tr> <td>B. Effectively communicate their children’s needs (%)</td> <td align="center">70.17</td> <td align="center">67.84</td> <td align="center">69.69</td> <td align="center">-2.33%</td> </tr> <tr> <td>C. Help their children develop and learn (%)</td> <td align="center">82.26</td> <td align="center">80.57</td> <td align="center">86.41</td> <td align="center">-1.69%</td> </tr> </tbody> </table> <p>These data represent slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets.</p> <p>The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.</p>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. Know their rights (%)	74.73	74.38	75.2	-0.35%	B. Effectively communicate their children’s needs (%)	70.17	67.84	69.69	-2.33%	C. Help their children develop and learn (%)	82.26	80.57	86.41	-1.69%	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State reported that the data for this indicator were based on a response group that was not representative of the population. In the FFY 2010 APR, the State must report whether its FFY 2010 data are based on a response group that is representative of its population, and if not, the actions the State is taking to address this issue.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. Know their rights (%)	74.73	74.38	75.2	-0.35%																		
B. Effectively communicate their children’s needs (%)	70.17	67.84	69.69	-2.33%																		
C. Help their children develop and learn (%)	82.26	80.57	86.41	-1.69%																		
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 1.17%. These data represent progress from the FFY 2008 data of 1.15%. The State did not meet its FFY 2009 target of 1.20%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>																				

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 4.41%. These data represent progress from the FFY 2008 data of 4.25%. The State met its FFY 2009 target of 4.095%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 83.5%. These data represent slippage from the FFY 2008 data of 84.8%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 58 of 105 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that seven findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that seven of 38 findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 and FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining 40 uncorrected noncompliance findings identified in FFY 2008 and the remaining 31 uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009, FFY 2008 and FFY 2007 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p>
8. Percent of all children exiting Part C who received timely	The State provided targets for FFY 2011 and FFY 2012, and improvement activities	The State must demonstrate, in the FFY 2010 APR, due February

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<p>transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 90.2%. These data represent slippage from the FFY 2008 data of 93.9%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 36 of 46 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that four findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that one of five findings of noncompliance identified in FFY 2007 was corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 and FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>1, 2012, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining six uncorrected noncompliance findings identified in FFY 2008 and the remaining four uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009, FFY 2008 and FFY 2007 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) (i.e., achieved 100%</p>

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		<p>compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p>
<p>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:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 87.7%. These data represent progress from the FFY 2008 data of 82.6%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 27 of 54 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that one finding was subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the LEA notification requirements in 34 CFR §303.148(b)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State</p>

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<p>[Compliance Indicator]</p>	<p>noncompliance.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2007 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 and FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>reported for this indicator.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining 26 uncorrected noncompliance findings identified in FFY 2008 and the one remaining uncorrected noncompliance finding identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009, FFY 2008 and FFY 2007 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State’s Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2010</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p>
<p>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:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 75.1%. These data represent progress from the FFY 2008 data of 63.6%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 25 of 60 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that four findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that none of the remaining three findings of noncompliance identified in FFY 2007 were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 and</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining 31 uncorrected noncompliance findings</p>

**New York Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>identified in FFY 2008 and the remaining three uncorrected noncompliance findings identified in FFY 2007 were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each EIS program with noncompliance reflected in the FFY 2009, FFY 2008 and FFY 2007 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State's failure to correct longstanding noncompliance raises serious questions about the</p>

**New York Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 75.2%. These data represent slippage from the FFY 2008 data of 79.6%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 722 of 960 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 30 findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that 19 of 112 findings of noncompliance identified in FFY 2007 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p> <p>OSEP's FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to demonstrate in the FFY 2009 APR, due February 1, 2011 that the remaining 112 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 APR were corrected. The State provided all of the required information. OSEP's FFY 2008 SPP/APR response table also required the State to provide the percentage of FFY 2009 findings that NYDOH issued within its 90-day timeline and the timeline by which it issued those findings that were not issued within the 90-day timeline. The State provided all of the required information.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2005 and</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining 208 findings of noncompliance identified in FFY 2008 and the remaining 93 findings of noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2009 APR were corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2010 APR, demonstrating that the State timely corrected findings of noncompliance identified in FFY 2009 in accordance with IDEA section 635(a)(10)(A), 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements</p>

**New York Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>FFY 2006 APRs. In addition to reporting with the FFY 2009 APR on its use of technical assistance, the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>(i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In reporting on Indicator 9 in the FFY 2010 APR, the State must use the Indicator 9 Worksheet.</p> <p>In addition, in responding to Indicators 1, 7, 8A, 8B and 8C in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>The State must continue to report on its timeliness in issuing findings. The State must report by September 30, 2011, the number of written findings issued for noncompliance that occurred between July 1, 2010 and September 30, 2010; when the noncompliance was identified; and when the written findings were issued.</p>
<p>10. Percent of signed written complaints with reports issued that</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities</p>	<p>OSEP appreciates the State's efforts in achieving compliance</p>

**New York Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]</p>	<p>through FFY 2012, and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>with the timely complaint resolution requirements in 34 CFR §303.512.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 100%. These data are based on one due process hearing. The State met its FFY 2009 target of 100%. OSEP's FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011, clarification that it is not permitting extensions of the 30-day timeline. The State reported that all hearing requests must be adjudicated "within the federally required 30-day time frame."</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §303.420(b).</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]</p>	<p>Not applicable.</p>	<p>Not applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State's FFY 2009 reported data for this indicator are 81.13%. The State's data reported in this indicator are not the same as the State's 618 data reported in Table 4. The State provided an explanation and reported submitting revised 618 data. These data represent slippage from the FFY 2008 data of 87%. The State did not meet its FFY 2009 target of 82%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 100%. However, OSEP's</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's</p>

**New York Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>accurate. [Compliance Indicator]</p>	<p>calculation of the data for this indicator is 96.4%. These data represent slippage from the FFY 2008 data of 100%. The State did not meet its FFY 2009 target of 100%.</p> <p>Although the State reported that it met its FFY 2009 target of 100%, the State did not submit complete 618 data by November 1, 2010 under Indicator 13.</p>	<p>data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>In reporting on Indicator 14 in the FFY 2010 APR, the State must use the Indicator 14 Data Rubric.</p>