



TO: P-12 Education Committee

FROM: Angélica Infante-Green *A. Infante - Green*

SUBJECT: New York State's 2017 Part B State Performance Plan (SPP)/Annual Performance Report (APR) on the Federal Fiscal Year 2015 SPP/APR Part B Indicators

DATE: June 7, 2017

AUTHORIZATION(S): *Mary Ellen Elin*
SUMMARY

Issue for Discussion

The purpose of this item is to update the P-12 Education Committee members on New York State's (NYS's) 2017 State Performance Plan (SPP)/Annual Performance Report (APR) on the Federal Fiscal Year (FFY) 2015 SPP/APR Part B Indicators as required by the Individuals with Disabilities Education Act (IDEA) 2004.

Reason(s) for Consideration

Review of policy relating to federal statute.

Proposed Handling

This item will come before the P-12 Education Committee for discussion at its June 2017 meeting.

Procedural History

Public Law 108-446 (IDEA 2004) added new accountability requirements for a multiple year SPP and APR. States are required to set targets and measure performance on special education priority areas identified by the United States Department of Education (USDOE). The SPP/APR are subject to approval by the Office of Special Education Programs (OSEP) at USDOE.

Background Information

State Performance Plan/Annual Performance Report (SPP/APR):

In accordance with section 616 of IDEA Part B (which addresses the educational needs of students with disabilities ages 3 through 21), each state must have in place an SPP that evaluates the state's efforts to implement the requirements and purposes of IDEA Part B and describe how the state will improve results for students with disabilities. The SPP includes baseline data, measurable and rigorous targets, improvement activities, timelines and resources identified by the state for 17 indicators established by USDOE under the following three IDEA monitoring priority areas.

1. Provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE);
2. State exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services; and
3. Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

The IDEA also requires states to submit an APR. In their APR, states are required to report annually on their performance toward the targets identified in the SPP for the following 17 indicators.

1. Graduation Rates
2. Drop-out Rates
3. Assessment
4. Suspension/Expulsion
5. Least Restrictive Environment (LRE) – School Age
6. LRE - Preschool
7. Preschool Outcomes
8. Parent Involvement
9. Disproportionality in Special Education by Race/Ethnicity
10. Disproportionality in Classification/Placement by Race/Ethnicity
11. Child Find
12. Early Childhood Transition
13. Secondary Transition
14. Post-School Outcomes
15. Resolution Sessions
16. Mediation Agreements
17. State Systemic Improvement Plan (SSIP)

The SPP/APR, which is submitted by February 1st of each year, reflects the state's progress toward meeting its IDEA Part B goals and provides the actual target

data, explanation of progress or slippage¹ and discussion of improvement activities completed by the state for each indicator. NYS's FFY 2015 SPP/APR for Indicators 1-16 were submitted to USDOE on January 31, 2017. Attachment 1 provides a complete description of each indicator and a summary of the results included in the report. Indicator 17, the SSIP, which will be described in greater detail later in this report, focuses its efforts on improving a state-selected child or family outcome. NYS's SSIP was submitted, as required, by April 3, 2017.

Each year the USDOE makes a determination for each state under IDEA based on the SPP/APR submission, other state-reported data, and other publicly available information. USDOE uses both compliance and results data, giving each equal weight in making a state's determination. IDEA details four categories for a state's determination:

- Meets the requirements and purposes of IDEA;
- Needs assistance in implementing the requirements of IDEA;
- Needs intervention in implementing the requirements of IDEA; or
- Needs substantial intervention in implementing the requirements of IDEA.

USDOE also requires each state to annually report to the public on each school district's annual performance and/or compliance measured against the targets established in the SPP/APR indicators using these same categories. These determinations must be made in consideration of information obtained through monitoring visits, other public information made available, including any audit findings and whether the data submitted by the district is valid, reliable, and timely. Each state must consider compliance and may consider other performance indicators in relation to the state's targets for improvement for these indicators. The New York State Education Department (NYSED) Office of Special Education directs technical assistance resources to school districts to provide assistance and interventions consistent with their determination.

State Systemic Improvement Plan:

Beginning in 2015, the USDOE implemented a revised accountability system under IDEA. Results-Driven Accountability (RDA) shifted efforts from a primary emphasis on compliance to a framework that focuses on improved results for students with disabilities, while continuing to ensure states meet IDEA requirements. RDA emphasizes improving child outcomes such as performance on assessments, graduation rates, and early childhood outcomes. To support this effort, states were required to develop a State Systemic Improvement Plan (SSIP), a multi-year, achievable plan, as part of their FFY 2013 SPP/APR. The SSIP is designed to increase capacity at the state and district level to implement, scale up, and sustain evidence-based practices to improve outcomes for students with disabilities.

¹ The definition of slippage is a worsening from the previous data AND a failure to meet the target. The worsening also needs to meet certain thresholds to be considered slippage

NYSED's SSIP was recently revised, upon the recommendation of OSEP that we consider narrowing the focus and develop a more achievable plan to inform future replication. Based on a comprehensive data and infrastructure analysis and discussions with multiple stakeholders, NYSED's revised State Identified Measurable Result (SiMR) for students with disabilities is as follows:

For students classified as students with learning disabilities in SSIP Pilot Schools (grades 3-5), increase the percent of students scoring at proficiency levels 2 and above on the Grades 3-5 English Language Arts (ELA) State Assessments.

Students with learning disabilities comprise the largest group of students with disabilities in NYS and are also the lowest performing subgroup of students with disabilities on the ELA State Assessments. NYSED will utilize a targeted intervention approach to improve outcomes for students with learning disabilities in 19 pilot schools (grades 3-5) in four regions of NYS. The improvement strategies in the SSIP are designed to support the pilot schools in implementing with fidelity an integrated, culturally and linguistically responsive whole school model of Multi-Tiered Systems of Support. The strategies are also designed to improve instructional practices for students with disabilities, particularly students with learning disabilities, and support the development and implementation of high quality individualized education programs designed to meet the unique needs of each student with a learning disability and to provide the specially designed instruction to support those unique learning needs.

NYSED will scale up this intervention approach to subsequently increase the number of schools through the remainder of this and future SSIP cycles. The information and experiences gained during implementation in targeted sites will be used to inform the redesign of NYSED's technical assistance centers.

Next Steps

As required under IDEA, NYSED must report annually to the public on its website, the performance of each NYS school district on the targets in the SPP/APR as soon as practicable, but no later than 120 days after submission of the NYS Part B FFY 2015 SPP/APR. In addition, NYSED must make its FFY 2015 SPP/APR available to the public on its website. Once NYSED receives notification of its determination from USDOE, this information will be posted at <http://www.p12.nysed.gov/specialed/spp/>.

Related Regent's Items

NA

Attachment

FFY 2015 SPP/APR RESULTS

Indicator	FFY 2014 Target	FFY 2014 Data	FFY 2015 Target	FFY 2015 Data	Slippage
Graduation: Percent of youth with IEPs graduating from high school with a regular diploma.					
1	50.48%	52.65%	55.39%	52.86%	No
Drop Out: Percent of youth with IEPs dropping out of high school.					
2	14.50%	13.05%	14.00%	12.55%	No
Assessments: Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP/AMO targets for the disability subgroup.					
3A	NA	NA	NA	NA	NA
Assessments: Participation rate for children with IEPs in: A) Grades 3-8; and B) High School.					
3B (Reading)	(A) 95.00% (B) 95.00%	(A) 80.80% (B) 90.94%	(A) 95.00% (B) 95.00%	(A) 76.18% (B) 90.69%	Yes No
3B (Math)	(A) 95.00% (B) 95.00%	(A) 76.81% (B) 94.13%	(A) 95.00% (B) 95.00%	(A) 74.15% (B) 94.06%	Yes No
Assessments: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards in: A) Grades 3-8; and B) High School.					
3C (Reading)	(A) 13.00% (B) 63.00%	(A) 13.83% (B) 70.87%	(A) 16.00% (B) 63.00%	(A) 15.69% (B) 70.98%	No No
3C (Math)	(A) 15.50% (B) 64.00%	(A) 17.84% (B) 68.46%	(A) 16.00% (B) 64.50%	(A) 18.34% (B) 67.16%	No No
Suspension: Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.					
4A	4.50%	4.12%	4.50%	4.27%	No
Suspension: Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards					
4B	0%	2.06%	0%	3.09%	Yes

FFY 2015 SPP/APR RESULTS

Indicator	FFY 2014 Target	FFY 2014 Data	FFY 2015 Target	FFY 2015 Data	Slippage
Education Environments: Percent of children with IEPs aged 6 through 21 served: A) Inside the regular class 80% or more of the day; B) Inside the regular class less than 40% of the day; and C) In separate schools, residential facilities, or homebound/hospital placements.					
5	(A) 58.40% (B) 21.00% (C) 6.00%	(A) 57.80% (B) 19.80% (C) 6.13%	(A) 58.80% (B) 20.50% (C) 5.80%	(A) 57.98% (B) 19.82% (C) 5.44%	No No No
Preschool Environments: Percent of children aged 3 through 5 with IEPs attending a: A) Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B) Separate special education class, separate school or residential facility.					
6	(A) 43.50% (B) 22.00%	(A) 43.19% (B) 22.65%	(A) 43.50% (B) 21.00%	(A) 41.94% (B) 23.86%	Yes Yes
Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved: A) Positive social-emotional skills (including social relationships); B) Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and C) Use of appropriate behaviors to meet their needs. <i>(A1, B1, C1 = substantially increased rate of growth; A2, B2, C2 = functioning within age expectations)</i>					
7	(A1) 92.00%	(A1) 87.00%	(A1) 92.00%	(A1) 91.18%	No
	(A2) 45.00%	(A2) 47.02%	(A2) 48.00%	(A2) 47.79%	No
	(B1) 93.50%	(B1) 88.64%	(B1) 93.50%	(B1) 90.86%	No
	(B2) 45.00%	(B2) 47.40%	(B2) 48.00%	(B2) 48.22%	No
	(C1) 91.50%	(C1) 87.60%	(C1) 92.00%	(C1) 90.15%	No
	(C2) 50.00%	(C2) 53.72%	(C2) 52.00%	(C2) 53.01%	No
Parent Involvement: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.					
8	93.50%	93.93%	94.00%	93.45%	No
Disproportionate Representation: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.					
9	0%	0.15%	0%	0.59%	Yes
Disproportionate Representation in Specific Disability Categories: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.					
10	0%	1.18%	0%	0.44%	No

FFY 2015 SPP/APR RESULTS

Indicator	FFY 2014 Target	FFY 2014 Data	FFY 2015 Target	FFY 2015 Data	Slippage
Child Find: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.					
11	100%	83.84%	100%	83.30%	No
Early Childhood Transition: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.					
12	100%	75.26%	100%	67.35%	Yes
Secondary Transition: Percent of youth with IEPs aged 15 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.					
13	100%	78.29%	100%	76.50%	Yes
Post-School Outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A) Enrolled in higher education within one year of leaving high school. B) Enrolled in higher education or competitively employed within one year of leaving high school. C) Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.					
14	(A) 42.20% (B) 66.00% (C) 75.00%	(A) 48.12% (B) 71.71% (C) 80.85%	(A) 42.70% (B) 67.00% (C) 76.00%	(A) 40.77% (B) 67.25% (C) 77.75%	Yes No No
Resolution Sessions: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.					
15	6.00-7.00%	4.82%	7.00-8.00%	3.20%	Yes
Mediation: Percent of mediations held that resulted in mediation agreements.					
16	88.00-90.00%	88.53%	87.00-91.00%	83.02%	Yes

FFY 2015 SPP/APR RESULTS

Slippage:

The definition of slippage is a worsening from the previous data AND a failure to meet the target. The worsening also needs to meet certain thresholds to be considered slippage:

- **For a large percentage (10% or above), it is considered slippage if the worsening is more than 1%. For example:**
 - *It is not slippage if the FFY 2014 data for Indicator 5A are 32% and the FFY 2013 data were 32.9%.*
 - *It is slippage if the FFY 2014 data for Indicator 5A are 32% and the FFY 2013 data were 33.1%.*
- **For a small percentage (less than 10%), it is considered slippage if the worsening is more than 0.1%. For Example:**
 - *It is not slippage if the FFY 2014 data for Indicator 5B are 5.1% and the FFY 2013 data were 5%.*
 - *It is slippage if the FFY 2014 data for Indicator 5B are 5.1% and the FFY 2013 data were 4.9%.*