

At-a-Glance State Performance Plan Summary of Indicators 1-17



Seeking Stakeholder Engagement to Promote Outcomes for Students with Disabilities

The New York State Education Department (NYSED) Office of Special Education is seeking input from stakeholders on performance targets and improvement activities to improve outcomes for students with disabilities. It is important for us to hear from a variety of stakeholders and specifically from parents. We intentionally would like to ensure that voices from diverse backgrounds are included in conversations about our students and we value multiple perspectives and viewpoints to inform our efforts.



To achieve our goals of meaningful stakeholder engagement, we are inviting stakeholders to learn more about the State Performance Plan (SPP) that is used to evaluate New York State's efforts to implement the requirements and purposes of the Individuals with Disabilities Education Act (IDEA). There are 17 Indicators in the SPP: some indicators measure child and family outcomes and other indicators measure compliance with the requirements of the IDEA. Each indicator has its own unique measurement aligned with important IDEA objectives.

Protecting the rights of students with disabilities and their families is a key responsibility of New York State and its school districts. Our objective is to ensure students are attaining the knowledge and skills necessary to accomplish the ideals of the IDEA: equality of opportunity, full participation, independent living, and economic self-sufficiency.



Parent Voice is Essential to Establish Our Goals and Improvement Strategies

We need your help to establish our New York State performance targets and identify how we can improve our implementation of the IDEA to ensure our students with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.



Join the Conversation and Help New York State Improve Educational Opportunities

Below is a short description of each of the 17 Indicators. There will be separate stakeholder meetings and surveys for each individual indicator. We ask that you consider the indicators that interest you and/or where you might have a specific experience or perspective to share. For each indicator, we will also publish a summary of how data is collected to evaluate New York State's performance, a description of how it is measured, and existing activities we use to improve the outcome. Additionally, the Office of Special Education will separately publish online informational webinars and surveys intended to solicit your feedback. Your comments may be submitted in the online survey. We also invite you to participate in virtual meetings that will be held in November 2021 to encourage discussion and dialogue with parents, families, educators, administrators, and other interested parties regarding the education of students with disabilities.

To obtain more information, including how to participate in the Office of Special Education survey and virtual meetings, please visit the [SPP/APR webpage](#).

2020-2025 State Performance Plan Indicators

1. Graduation. Percent of youth with individualized education programs (IEPs) graduating with a regular diploma.

New York State must increase the number of students with an IEP who graduate high school with a New York State Regents or local diploma. We will discuss the requirements for obtaining a New York State high school diploma and consider proposed targets and improvement activities to increase the number of students with an IEP who exit high school with a Regents or local diploma.

2. Drop Out. Percent of youth with IEPs dropping out of high school.

New York State must decrease the number of students with an IEP who drop out of high school prior to earning a New York State Regents or local diploma. This discussion will include a review of the requirements to graduate with a Regents or local diploma and consider proposed targets and improvement activities to decrease the number of students with an IEP who drop out of high school.

3. Assessment. (A) Participation rate for children with IEPs, (B) Proficiency rate for children with IEPs against grade-level academic standards, (C) Proficiency rate for children with IEPs against alternate academic achievement standards, (D) Gap in proficiency rates for children with IEPs and all students against grade-level academic achievement standards.

The federal Every Student Succeeds Act (ESSA) requires that states administer annual Statewide assessments in reading/language arts and math to all students, including students with an IEP, in grades 3-8 and at least once in high school. Under ESSA and the IDEA, states must also ensure that all students with IEPs are included in statewide assessment programs. Indicator 3 focuses on the participation and performance of students with an IEP on Statewide reading and math assessments for grades 4, 8, and high school. In New York State, the Statewide assessment program includes the general State assessments based on grade level academic achievement standards (the expected knowledge for the grade-level in which a student is enrolled). Additionally, the New York State Alternate Assessment, used as an assessment for students with the most severe cognitive disabilities, is based on alternate academic achievement standards (the grade-level academic achievement standards at a reduced depth, breadth and level of complexity). In this discussion, we will be asking for your input on proposed targets to improve the participation and performance of students with an IEP on Statewide assessments, as well as on improvement strategies to help the State reach these targets.

4. Suspension/Expulsion. (A) Percent of districts with significant discrepancy, (B) Percent of districts with significant discrepancy by race and ethnicity.

New York State must reduce the number of students with an IEP, including students of a particular race and ethnicity, that are suspended based on a district's inappropriate policies, practices and procedures. This indicator has two measurements. Under Indicator 4A, we measure the percentage of school districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for students with an IEP. The second measurement, 4B, determines the number of school districts that have a significant discrepancy, by race and ethnicity, in the rate of suspensions and expulsions greater than 10 days in a school year for students with an IEP. The calculation also includes the number of districts that have policies, practices and procedures that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. In this discussion, we will consider how the data is calculated for both 4A and 4B and the State's current and past rate of identified districts. We will discuss targets for Indicator 4A as we seek to decrease the number of districts that are discrepant in the suspension or expulsion of students with an IEP. Lastly, we will discuss current and proposed improvement strategies to not only reduce the number of districts identified under 4A, but also reach the federal and State expectation that no district is significantly discrepant in the suspension of students with an IEP by race or ethnicity that is the result of inappropriate policies, practices and procedures.

5. Education Environments (School-Age). Percent of children with IEPs, age 5 and enrolled in kindergarten and ages 6–21, served (A) Inside regular class 80% or more of day; (B) Inside regular class less than 40% of day; (C) In separate schools, residential facilities, or homebound/hospital placements.

Students with an IEP have a fundamental right to receive their special education supports in a classroom and setting that, to the maximum extent appropriate, includes students without disabilities. In this discussion, we will establish performance targets for educating students with an IEP in the least restrictive environment. We will also identify the improvement activities that

best support the presumption that students with an IEP will attend the same schools they would have attended if they did not have an IEP and that removal or restriction from their regular schools and classrooms can only occur for reasons related to the student's disability when the student's IEP cannot be satisfactorily implemented in that setting, even with the use of supplementary aids and services.

6. Preschool Environments. Percent of children with IEPs, ages 3, 4, and 5 who are enrolled in a preschool program, (A) Receiving the majority of special education and related services in regular early childhood program; (B) Attending separate special education class, separate school, or residential facility; (C) Receiving special education and related services in the home.

As described by the U.S. Department of Education, "inclusion in early childhood programs refers to including children with disabilities in early childhood programs, together with their peers without disabilities; holding high expectations and intentionally promoting participation in all learning and social activities, facilitated by individualized accommodations; and using evidence-based services and supports to foster their development (cognitive, language, communication, physical, behavioral, and social-emotional), friendships with peers, and sense of belonging. This applies to all young children with disabilities, from those with the mildest disabilities, to those with the most significant disabilities." Preschool least restrictive environments means before a preschool child with a disability can be placed outside the regular early childhood educational environment, the committee on preschool special education must consider whether supplementary aids and services could be provided that would enable the education of the child in the regular early childhood educational setting. In this discussion, we will establish performance targets for educating preschool students with an IEP in the least restrictive environment and identify the improvement activities that best support preschool inclusion in early childhood settings.

7. Preschool Outcomes. Percent of preschool children ages 3-5 with IEPs with improved (A) Positive social-emotional skills, (B) Acquisition and use of knowledge and skills, (C) Use of appropriate behaviors to meet their needs.

The three preschool outcome measurements span developmental domains to represent the nature of how young children develop, learn, and thrive. They encompass functional skills and behaviors that are meaningful for a child's participation in everyday routines. In this discussion, we will establish performance targets for preschool outcomes including student progress and functioning within age expectations. We will also identify improvement activities that best support improving these preschool outcomes.

8. Parent Involvement. Percent of parents who report that the school facilitated parent involvement.

The New York State Education Department seeks input from parents of preschool and school-age students with an IEP who are provided special education services in district-operated programs and/or under contract with other service providers. Parents are surveyed to determine the degree to which schools facilitated parental involvement to improve special education services and student results. The surveys are provided in English and Spanish, and are available in five other languages (Russian, Simplified Chinese, Haitian Creole, Bengali and Urdu). We will discuss the method used to survey parents across New York State, identify strategies to increase the diversity of racial and ethnic groups responding to the survey, and set targets to improve overall rate of parental responses to the survey.

9. Disproportionate Representation. Percent of districts with disproportionate representation of racial and ethnic groups due to inappropriate identification.

School districts should not have a disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate policies, practices and procedures in the district's identification of students with disabilities. In this discussion, we will review how this data is calculated for each district, including the consideration of the following racial and ethnic categories: American Indian or Alaska Native, Hispanic/Latino, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White and two or more races. We will also consider our Statewide data and compare New York State data to similar states. Additionally, we will discuss current and proposed improvement strategies to meet the federal and State expectation that no districts have disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.

10. Disproportionate Representation in Specific Disability Categories. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.

School districts should not have a disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate policies, practices and procedures. In this discussion, we will review how the data is calculated, including the racial and ethnic groups identified in Indicator 9 and the following disability categories: Autism, Emotional Disturbance, Intellectual Disability, Learning Disability, Other Health Impairment and Speech or Language Impairment. We will also consider our Statewide data and compare New York State data to similar states. Additionally, we will discuss current and proposed improvement strategies to meet the federal and State expectation that no districts have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

11. Child Find. Percent of children evaluated within 60 days of parental consent or state timeframe.

The IDEA requires each state to ensure that all children with disabilities residing in the state, and who are in need of special education and related services, are identified, located, and evaluated. The initial evaluation: (1) must be conducted within 60 days of receiving parental consent for the evaluation; or within a State established timeframe; and (2) must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child. Indicator 11 does not require states to establish targets because the federal Office of Special Education Programs has the expectation that 100 percent of children will be evaluated within 60 days or the state timeline. This discussion will focus on how to improve New York State's child find and timely evaluation performance.

12. Early Childhood Transition. Percent of children found Part B eligible with an IEP implemented by their 3rd birthday.

Early childhood transition requirements apply to children who receive early intervention services and are transitioning to preschool special education programs and services. It is essential to ensure children receive the services they need to promote their learning and development. The IDEA timelines are designed to effectively transition children between the programs without a gap in services. Indicator 12 does not require states to establish targets because the federal Office of Special Education Programs has the expectation that 100 percent of children effectively transition by their third birthday. This discussion will focus on how to improve the timeliness of the child's transition from early intervention to preschool special education programs and services.

13. Secondary Transition. Percent of youth ages 16+ with measurable, annually updated IEP goals and appropriate transition assessments, services, and courses.

In New York State, transition services must be included in the IEPs of students when they turn age 15. Transition Services are a coordinated set of activities for a student with an IEP, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student. The transition services on the IEP are designed to facilitate the student's movement from school to post-school activities, including, but not limited to, postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. This presentation will review data illustrating New York State's compliance with the requirements of SPP Indicator 13 and discuss proposed strategies to improve our performance under this Indicator.

14. Post-School Outcomes. Percent of youth with IEPs, no longer in school, (A) Enrolled in higher education; (B) Enrolled in higher education or competitively employed; (C) Enrolled in higher education, other postsecondary education, or training program or competitively employed or in some other employment, within one year of leaving high school.

SPP Indicator 14 measures the percent of youth who are no longer in high school, had an IEP in effect at the time they left school, and within one year of leaving school, were enrolled in higher education, employed, or enrolled in a post-secondary education or training program. Former students with an IEP who are no longer in high school are interviewed or surveyed to determine if the student is enrolled in higher education, employed, and/or enrolled in a post-secondary education or training program. The survey is made available both online and in paper formats in multiple languages. During this presentation, we will review data and discuss proposed targets. We will also identify improvement strategies to increase the diversity in responses when surveying students including, but not limited to, diverse racial and ethnic communities and in consideration of gender, geographic location and/or another demographic category.

15. Resolution Sessions. Percent of hearing requests resolved through resolution session settlement agreements.

When a parent files a due process complaint requesting an impartial hearing, a 30-day resolution period is required unless the parent and district agree to waive it. During this resolution period, a meeting must occur so that the parent and district have an opportunity to address and resolve the dispute before the involvement of an impartial hearing officer. A signed written agreement reached during this resolution period is called a resolution session settlement agreement. Indicator 15 identifies the percent of impartial hearing requests that are resolved by settlement agreements occurring during the resolution period. In this discussion, we will review New York State's past performance in meeting targets and discuss proposed targets and improvement strategies for this indicator.

16. Mediation. Percent of mediations held resulting in mediation agreements.

Mediation is a voluntary dispute resolution option that must be made available to parents by school districts. Mediation is provided at no cost to districts and parents, is typically less adversarial than other due process proceedings and is often a faster path to resolution of a dispute. Additionally, if disputes are resolved through mediation, the resulting written agreement is enforceable in court. Indicator 16 identifies the percent of mediations that result in a signed mediation agreement. In this discussion, we will review New York State's past performance in meeting targets regarding

mediation. We will also discuss proposed targets and improvement strategies to increase the number of mediations being held and the number of meetings that result in a written agreement.

17. State Systemic Improvement Plan (SSIP). The SPP includes comprehensive, ambitious, achievable, multi-year SSIP, with Phase I analysis, Phase II plan, Phase III implementation and evaluation, with stakeholder engagement in all phases, for improving results for students with disabilities.

The intent of New York State’s SSIP is to increase the literacy proficiency rates for students with learning disabilities in grades 3 through 5 on the New York State English Language Arts Assessment. To ensure improved instruction and literacy proficiency, a framework to address behavior and literacy known as a Multi-Tiered System of Supports or MTSS, was implemented in schools participating in the SSIP. This work began with schools from 10 districts within three regions of the State. In this discussion, we will discuss strategies to increase the number of schools and districts engaged in the SSIP and the expansion of our MTSS framework to an integrated model (MTSS-I) to include academics, behavior, social emotional considerations and culturally responsive-sustaining education.

For each of the State Performance Plan indicators, the Office of Special Education is developing indicator specific summaries, informational webinars and online surveys. In November 2021, we will also be engaging stakeholders in indicator-specific virtual discussions. As these documents and registration information for participation in the State Performance Plan stakeholder discussions become available, they will be posted on the [SPP/APR webpage](#).

